



**ASSEMBLY AMENDMENT 1,
TO 2009 SENATE BILL 185**

September 16, 2009 – Offered by Representative Ripp.

*** AUTHORS SUBJECT TO CHANGE ***

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 11, line 13: after that line insert:

4 “**SECTION 9e.** 66.0401 (7) of the statutes is created to read:

5 **66.0401 (7) REMOVAL OF NONCOMPLIANT WIND ENERGY SYSTEM.** (a) If a political
6 subdivision receives a written complaint that a wind energy system does not comply
7 with the political subdivision’s ordinance relating to the setback requirements of the
8 system in relation to a home, or the volume of noise that the wind energy system
9 generates, the political subdivision shall investigate the complaint and determine
10 whether the wind energy system violates the ordinance within 60 days of receiving
11 the complaint. The political subdivision shall send a written copy of its findings to
12 the complainant.

1 (b) If a political subdivision receives a complaint regarding the location of, or
2 noise from, a wind energy system for which the commission has issued a certificate
3 of public convenience and necessity under s. 196.491 (3), the political subdivision
4 shall forward the complaint to the commission.

5 (c) If the political subdivision determines that the wind energy system does
6 violate the political subdivision's ordinance, the political subdivision shall send a
7 written copy of its findings to the owner of the wind energy system. The written
8 findings shall order the owner to remove the wind energy system no later than 90
9 days after the owner receives the findings.

10 (d) An owner of a wind energy system who is ordered to remove the system, as
11 described in par. (c), may appeal the political subdivision's order to the circuit court
12 under ch. 227.”.

13 **2.** Page 13, line 9: after that line insert:

14 “(dm) 1. If the commission receives a written complaint about the location of,
15 or noise from, a wind energy system for which the commission has issued a certificate
16 of public convenience and necessity under s. 196.491 (3), including a complaint
17 forwarded by a political subdivision under s. 66.0401 (7) (b), the commission shall
18 investigate the complaint and determine whether the wind energy system violates
19 the certificate within 60 days of receiving the complaint. The commission shall send
20 a written copy of its findings to the complainant.

21 2. If the commission determines under subd. 1. that the wind energy system
22 does violate the certificate of public convenience and necessity, the commission shall
23 send a written copy of its findings to the owner of the wind energy system. The

1 written findings shall order the owner to remove the wind energy system no later
2 than 90 days after the owner receives the findings.

3 3. An owner of a wind energy system who is ordered to remove the system, as
4 described in subd. 2., may appeal the commission's order to the circuit court under
5 ch. 227.”.

6 **3.** Page 13, line 24: after that line insert:

7 “**SECTION 13m.** 196.85 (1m) (e) of the statutes is created to read:

8 196.85 **(1m)** (e) For the purpose of direct assessment under sub. (1) of expenses
9 incurred by the commission in connection with its activities under s. 196.378 (4g)
10 (dm), the term “public utility” includes the owner of a wind energy system, as defined
11 in s. 66.0403 (1) (m).”.

12 (END)